

Message Text

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TO ALL DIPLOMATIC AND CONSULAR POSTS

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CINCPAC FOR POLAD

AMEMBASSY SUVA BY POUCH

USINT BAGHDAD BY POUCH

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AMEMBASSY ANKARA BY POUCH

AMEMBASSY NICOSIA BY POUCH

XMT AMEMBASSY CARACAS

UNCLAS STATE 165066

FOLLOWING REPEAT CARACAS 6886 ACTION SECSTATE DATED 7/23/74.

QUOTE UNCLAS CARACAS 6886

FROM US DEL LOS

USIA FOR IPS AND IBS

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TAGS: PLOS

SUBJECT: LOS

THE FOLLOWING IS STATEMENT GIVEN BY AMBASSADOR JOHN R.

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STEVENSON IN COMMITTEE III, JULY 19, 1974. BEGIN TEXT:

QUOTE

1. MR. CHAIRMAN: I WILL LIMIT MY COMMENTS TODAY PRIMARILY TO MARINE SCIENTIFIC RESEARCH WITHIN THE ECONOMIC ZONE. WE HAVE PREVIOUSLY INDICATED THAT THE COASTAL STATE SHOULD HAVE THE RIGHT TO AUTHORIZE AND REGULATE SCIENTIFIC RESEARCH IN THE TERRITORIAL SEA. IN THE AREA BEYOND THE LIMITS OF NATIONAL JURISDICTION, THE PRESET RIGHT TO CONDUCT RESEARCH SHOULD CONTINUE, AS REFLECTED THE DECLARATION OF PRINCIPLES ADOPTED BY THE GENERAL ASSEMBLY IN 1970. SIMILARLY, IT IS CLEAR THAT COASTAL STATES SHOULD HAVE JURISDICTION TO CONTROL COMMERCIAL EXPLORATION IN THE ECONOMIC ZONE. THE BASIC QUESTION IS THE REGIME FOR SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE ADJACENT TO THE TERRITORIAL SEA.

2. IF AN ECONOMIC ZONE IS ESTABLISHED AT A DISTANCE OF 200 MILES FROM THE COAST, AT LEAST ONE-THIRD OF THE OCEAN WILL BE INCLUDED IN THIS ZONE OF PARTICULAR IMPORTANCE TO SCIENTISTS. THIS CONFERENCE HAS BEFORE IT TWO FUNDAMENTAL QUESTIONS REGARDING MARINE SCIENCE. FIRST, WE MUST DETERMINE WHETHER TO FOSTER THE CONDUCT OF MARINE SCIENCE; SECOND, WE MUST DECIDE HOW OTHER INTERESTS ARE TO BE ACCOMMODATED WITH RESPECT TO THE CONDUCT OF MARINE SCIENCE.

3. WE BELIEVE THAT THERE IS A CONSENSUS IN THIS CONFERENCE THAT MARINE SCIENTIFIC RESEARCH SHOULD BE ENCOURAGED. WE ALSO BELIEVE THAT THERE IS A CONSENSUS THAT RULES REGARDING MARINE SCIENCE SHOULD ENSURE THAT ALL WILL BENEFIT TO THE FULLEST EXTENT AND THAT THE INTERESTS OF THE COASTAL STATE IN THE ECONOMIC ZONE ARE PROTECTED. THE CHALLENGE WE FACE IS THE CREATION OF A REGIME WHICH REFLECTS THIS CONSENSUS.

FOSTERING MARINE SCIENTIFIC RESEARCH

4. OBTAINING NEEDED KNOWLEDGE ABOUT THE OCEAN IS OFTEN DIFFICULT, TIME-CONSUMING AND EXPENSIVE. MANY DEVELOPING COUNTRIES, WHEN CONSIDERING THE MANIFOLD DEMANDS ON THEIR AVAILABLE RESOURCES, FEEL THAT THEY CANNOT JUSTIFY A
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SUBSTANTIAL DIVERSION OF THEIR SCARCE RESOURCES TO THIS TYPE OF RESEARCH. HOW THEN DO WE ENSURE THAT RESEARCH CONDUCTED BY COUNTRIES WILLING TO UTILIZE SOME OF THEIR RESOURCES FOR SCIENTIFIC INVESTIGATION OF THE OCEANS BENEFITS ALL COUNTRIES, INCLUDING DEVELOPING COUNTRIES? DO WE INCREASE THEIR BURDEN BY COMPLICATING THE PLANNING AND CONDUCT OF RESEARCH AND INCREASING THE EXPENSE, OR DO WE CREATE A REGIME WHICH IS AS CONDUCTIVE AS POSSIBLE TO CONDUCTING FURTHER RESEARCH IN A MANNER DESIGNED TO ENSURE UNIVERSAL BENEFIT? I BELIEVE THAT WE ALL WOULD AGREE THAT WE SHOULD STRIVE FOR THE LATTER. INSTEAD OF PLACING BURDENS ON RESEARCH, WE SHOULD ENSURE THAT RESEARCH IS FOR THE BENEFIT OF ALL AND THAT THE INTERESTS OF COASTAL

STATES IN THE ECONOMIC ZONE ARE PROTECTED.

5. MR. CHAIRMAN, MANY STATES HAVE CALLED FOR A COASTAL STATE RIGHT OF CONSENT FOR RESEARCH IN THE ZONE. FEW COUNTRIES IN THE WORLD HAVE THE LONG COASTLINES CHARACTERISTIC OF THE UNITED STATES AND SOME OF ITS NEIGHBORS IN THE WESTERN HEMISPHERE. FREQUENTLY, VALID AND USEFUL SCIENTIFIC RESEARCH CAN BE CONDUCTED OFF THESE LENGTHY COASTS EVEN THOUGH NEIGHBORING STATES MAY REFUSE TO GRANT CONSENT FOR RESEARCH. THIS IS NOT THE CASE, HOWEVER, FOR MANY COUNTRIES IN OTHER PARTS OF THE WORLD. FOR EXAMPLE, HOW COULD ANY RESEARCH SCIENTIST UNDERTAKE A MEANINGFUL STUDY OF THE GUINEA CURRENT IN THE GULF OF GUINEA IF ONLY SOME OF THE COASTAL STATES GAVE CONSENT? HOW CAN DATA FROM DIFFERENT AREAS OF THE WORLD BE COMPARED IN ORDER TO FORMULATE NEW HYPOTHESES ABOUT THE UNKNOWN?

6. MR. CHAIRMAN, MARINE SCIENTIFIC RESEARCH WILL NOT BE FOSTERED BY A CONSENT REGIME. IN MANY CASES, SUCH AS REGIME WILL SIMPLY PRECLUDE THE RESEARCH OR UNDERMINE THE CALIDITY OF THE SCIENTIFIC FINDINGS. IN OTHERS, IT WILL MAKE THE RESEARCH MORE EXPENSIVE, WITH THE OBVIOUS CONSEQUENCE THAT LESS RESEARCH WILL BE CONDUCTED. AS HAS BEEN OFTEN STATED, OCEANIC PROCESSES DO NOT RESPECT MAN-MADE JURISBICTIONAL BOUNDARIES. SCIENTIFIC INVESTIGATION OF SUCH OCEANIC PHENOMENA AS CURRENTS GENERALLY REQUIRES RESEARCH OFF THE COASTS OF MANY COUNTRIES. IF SEVERAL STATES GIVE THEIR CONSENT AND OTHERS WITHHOLD CONSENT, THE RESEARCH MOST UNCLASSIFIED

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LIKELY WILL SIMPLY NOT BE CONDUCTED. NON-CONSENTING AND CONSENTING STATES ALIKE WILL BE DENIED KNOWLEDGE THAT OTHERWISE WOULD HAVE BEEN OBTAINED FROM THIS RESEARCH.

INSURING BENEFIT TO ALL

7. TO INSURE THAT ALL STATES BENEFIT FROM MARINE SCIENTIFIC RESEARCH, IT IS IMPORTANT THAT NO RESTRICTIONS BE PLACED ON THE WIDE DISSEMINATION OF RESEARCH FINDINGS IN THE OPEN LITERATURE AND IN GLOBAL DATA BANKS AVAILABLE TO ALL. THE SCIENTIFIC PROCESS IS A GRADUAL ONE WITH SCIENTISTS BUILDING UPON EACH OTHERS' RESEARCH. IT IS RARE IF NOT UNIQUE PHENOMENON THAT ONE RESEARCH PROJECT PROVIDES THE NEEDED INSIGHT FOR A MAJOR SCIENTIFIC BREAK-THROUGH; IT IS EQUALLY RARE THAT THE RESEARCHER HIMSELF IS THE ONE WHO OBTAINS THE MOST BENEFIT FROM THE RESEARCH WHICH HAS BEEN CONDUCTED.

8. MR. CHAIRMAN, WE MUST ENSURE THAT SCIENTIFIC KNOWLEDGE FLOWS NOT ONLY TO THE COASTAL STATE AND THE RESEARCHING STATE BUT TO ALL MANKIND. TO DO OTHERWISE WOULD REMOVE ESSENTIAL BUILDING BLOCKS OF SCIENCE AND WIDEN THE GAP BETWEEN DEVELOPING AND DEVELOPED COUNTRIES.

PROTECTION OF THE INTEREST OF COASTAL STATES

9. AS STATED PREVIOUSLY, OCEANIC PROCESSES DO NOT RESPECT MAN-MADE JURISDICTIONAL BOUNDARIES. IDEALLY, THEREFORE, A MORE COMPLETE UNDERSTANDING OF SUCH OCEANIC PROCESSES COULD BE OBTAINED IF MARINE SCIENTISTS

WERE FREE TO CARRY OUT SCIENTIFIC RESEARCH ANYWHERE IN THE SEAS WITHOUT

RESTRAINT OR RESTRICTIONS. BALANCED AGAINST THIS INTEREST HOWEVER, ARE THE LEGITIMATE RIGHTS AND INTERESTS OF COASTAL STATES. LAST SUMMER

, WE SET FORTH A DRAFT TREATY PROPOSAL FOR RESEARCH IN THE ECONOMIC ZONE. THAT

PROPOSAL DOES NOT CALL FOR FREEDOM OF SCIENTIFIC RESEARCH, NOR DOES IT

DENY THE RIGHTS OF THE COASTAL STATE. RATHER, OUR PROPOSAL SETS FORTH A SERIES OF COASTAL STATE RIGHTS. THESE RIGHTS ARE EXPRESSED IN THE FOLLOWING OBLIGATIONS WITH WHICH A RESEARCHER MUST COMPLY IF HE WISHES
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TO CONDUCT RESEARCH IN THE ZONE:

-- ADVANCE NOTIFICATION OF THE PROPOSED RESEARCH, INCLUDING A DETAILED DESCRIPTION OF THE RESEARCH PROJECT;

-- A RIGHT OF THE COASTAL STATE TO PARTICIPATE DIRECTLY OR THROUGH AN INTERNATIONAL ORGANIZATION OF ITS CHOICE;

-- SHARING OF ALL DATA AND SAMPLES WITH THE COASTAL STATE;

-- ASSISTANCE TO THE COASTAL STATE IN INTERPRETING THE RESULTS OF THE RESEARCH PROJECT IN A MANNER THAT IS RELEVANT TO THE COASTAL STATE;

-- PUBLICATION AS SOON AS POSSIBLE OF THE SIGNIFICANT RESEARCH RESULTS IN AN OPEN, READILY AVAILABLE SCIENTIFIC PUBLICATION;

-- COMPLIANCE WITH ALL APPLICABLE INTERNATIONAL ENVIRONMENTAL STANDARDS; AND

-- FLAG STATE CERTIFICATION THAT THE RESEARCH WILL BE CONDUCTED IN ACCORDANCE WITH THE TREATY BY A QUALIFIED INSTITUTION WITH A VIEW TO PURELY SCIENTIFIC RESEARCH.

10. WE HAVE TRIED IN THE LISTING OF OBLIGATIONS TO MEET THE LEGITIMATE CONCERNS OF COASTAL STATES. WE STUDIED NATIONAL LAWS OF OTHER STATES IN COMPILING THE LIST. PERHAPS WE HAVE NOT BEEN SUCCESSFUL IN PHRASING OR LISTING EVERY OBLIGATION THAT SHOULD BE INCLUDED. IF THERE ARE OTHER OBLIGATIONS THAT SOME FEEL SHOULD BE

INCLUDED, THESE OBLIGATIONS SHOULD BE DISCUSSED, AND, IF FOUND MERITORIOUS, INCLUDED IN THE TREATY.

11. I SHOULD LIKE TO EXPLAIN BRIEFLY WHY WE BELIEVE THAT THESE OBLIGATIONS WILL PROTECT THE INTERESTS OF THE COASTAL STATE. ADVANCE NOTIFICATION WILL APPRISE THE COASTAL STATE OF THE PROPOSED RESEARCH, PROVIDE BACKGROUND INFORMATION OF THE NEED FOR, AND THE STEPS LEADING UP TO, THE RESEARCH PROJECT, AND ALLTOW THE COASTAL STATE TO PLAN ITS PARTICIPATION IN THE RESEARCH PROJECT. BY PARTICIPATING, UNCLASSIFIED

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THE COAST STATE CAN SATISFY ITSELF THAT THE ACTIVITIES UNDERTAKEN ARE IN FACT SCIENTIFIC AND MAXIMIZE THE BENEFIT IT RECEIVES FROM THE RESEARCH CONDUCTED.

12. NOT ONLY DO WE PROPOSE SHARING OF ALL DATA AND SAMPLES WITH THE COASTAL STATE, BUT ALSO WE RECOGNIZE THAT SOME COASTAL STATES MAY DESIRE ASSISTANCE IN INTERPRETING THE DATA AND SAMPLES RECEIVED. THIS PROPOSAL PROVIDES NOT ONLY THAT THE FLAG STATE MUST ASSIST THE COASTAL STATE IN INTERPRETING THE DATA RESULTING FROM THAT RESEARCH PROJECT, BUT ALSO THAT IT MUST PROVIDE SUCH ASSISTANCE IN INTERPRETATION IN A MANNER THAT IS RELEVANT TO THE COASTAL STATE.

13. OPEN PUBLICATION OF THE RESEARCH RESULTS WILL ENSURE THAT THE RESEARCH BENEFITS ALL MANKIND. IT WILL ALSO PROVIDE ADDITIONAL ASSURANCE THAT THE RESEARCH IS NOT COMMERCIALY ORIENTED, SINCE THOSE WHO COLLECT PROPRIETARY DATA RARELY ARE WILLING TO SHARE SUCH DATA WITH THEIR COMPETITORS.

14. TO ENSURE PROTECTION OF THE ENVIRONMENT OF THE ECONOMIC ZONE, RESEARCHERS WOULD BE REQUIRED TO COMPLY WITH ALL APPLICABLE INTERNATIONAL ENVIRONMENTAL STANDARDS. IN ADDITION, WE RECOGNIZE THAT DRILLING INTO THE CONTINENTAL MARGIN FOR OIL AND GAS POSSESSES BOTH AN ENVIRONMENTAL THREAT AND RESOURCE MANAGEMENT PROBLEMS. WE, THEREFORE, PROPOSED BEFORE SUB-COMMITTEE II LAST SUMMER, IN ARTICLES ON THE COASTAL SEABED ECONOMIC AREA, THAT COASTAL STATES HAVE THE EXCLUSIVE RIGHT TO AUTHORIZE AND REGULATE ALL FORMS OF DRILLING, INCLUDING SCIENTIFIC DRILLING.

15. WE ALSO BELIEVE THAT THE REQUIREMENT THAT THE FLAG STATE CERTIFY THAT THE RESEARCH IS CONDUCTED BY A QUALIFIED INSTITUTION WITH A VIEW TO PURELY SCIENTIFIC RESEARCH IS A MEANINGFUL PROTECTION. AS EVIDENCED BY THESE NEGOTIATIONS, COUNTRIES SUCH AS MY OWN WHICH CONDUCT A LARGE AMOUNT OF RESEARCH HAVE A GREAT INTEREST IN PROTECTING THE RIGHT TO CONDUCT MARINE SCIENTIFIC RESEARCH, AND WE BELIEVE THAT ALL COUNTRIES WILL EXERCISE GREAT CAUTION IN GRANTING SUCH CERTIFICATION.

16. FINALLY, OUR ARTICLES REQUIRE THAT THOSE QUOTE CONDUCTING
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SCIENTIFIC RESEARCH SHALL RESPECT THE RIGHTS AND INTERSTS
OF THE COASTAL STATE IN ITS EXERCISE OF JURISDICTION UNQUOTE IN
THE ZONE. CLEARLY, THE RESEARCHER CANNOT UNREASONABLY INTER-
FERE WITH FISHING OR SEABED EXPLOITATION ACTIVITIES CONDUCTED
BY THE COASTAL STATE IN THE ZONE. ADDITIONAL PROTECTION FOR
THE RESOURCE ACTIVITIES OF THE COASTAL STATE WILL BE PROVIDED
BY THE OPPORTUNITY TO PARTICIPATE IN THE RESEARCH. MOREOVER,
UNDER THE COASTAL SEABED ECONOMIC AREA ARTICLES TABLED LAST
SUMMER IN SUB-COMMITTEE II, COASTAL STATES MAY ESTABLISH
SAFETY ZONES AROUND INSTALLATIONS. RESEARCH VESSELS, OF
COURSE, WOULD BE REQUIRED TO RESPECT SUCH SAFETY ZONES.

17. MR. CHAIRMAN, UNDER OUR PROPOSAL IF THE RESEARCHER
MEETS THESE OBLIGATIONS, HE MAY CONDUCT THE RESEARCH WITHOUT
COASTAL STATE CONSENT. WHAT HAPPENS, HOWEVER, IF THERE
IS A DISPUTE AS TO WHETHER THEY HAVE IN FACT BEEN MET? COASTAL STATES
SHOULD NOT BE WITHOUT A REMEDY IF THEY BELIEVE THAT ALL THE PRE-
REQUISITES FOR THE CONDUCT OF RESEARCH HAVE NOT BEEN MET. THERE
SHOULD BE AN EFFICIENT MECHANISM AVAILABLE THROUGH COMPULSORY
DISPUTE SETTLEMENT PROCEDURES TO THE COASTAL STATE AND THE
RESEARCHING STATE FOR THE RAPID RESOLUTION OF SUCH DISPUTES.
WE WELCOME VIEWS ON WAYS THAT THESE INTERESTS CAN BEST BE
BALANCED.

18. AS I STATED AT THE OUTSET, WE BELIEVE THAT THE APPROACH
IN OUR DRAFT ARTICLES PROVIDES A BALANCE OF RIGHTS AND DUTIES
WHICH PROTECTS THE INTERESTS OF COASTAL STATES WHILE FOSTERING
THE CONDUCT OF MARINE SCIENTIFIC RESEARCH AND ENSURING THAT
SUCH RESEARCH BENEFITS ALL.

TECHNOLOGY TRANSFER

19. SOME HAVE SUGGESTED THAT A COASTAL STATE RIGHT OF CONSENT
COULD BE USED AS BARGAINING LEVER TO OBTAIN TECHNOLOGY
TRANSFER. WE DO NOT BELIEVE THAT ANY USEFUL TECHNOLOGY
TRANSFER IN MARINE SCIENCE WOULD RESULT THROUGH SUCH A ME-
CHANISM. FIRST, TO BE MEANINGFUL, TECHNOLOGY TRANSFER IN
MARINE SCIENCE MUST BE REGULAR AND SUSTAINED AND NOT AS A
RESULT OF NEGOTIATIONS WITH THE OCCASIONAL RESEARCH VESSEL
WHICH SEEKS PERMISSION. AS PREVIOUSLY POINTED OUT, A CONSENT
REGIME WILL INCREASE RESEARCH COSTS, THEREBY REDUCING THE
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AMOUNT OF RESEARCH WHICH IS CONDUCTED AND THE ATTENDANT
TRANSFER OF MARINE SCIENCE TECHNOLOGY. SECOND, NEITHER
SCIENTIFIC OBJECTIVES NOR THE OBJECTIVES OF DEVELOPING COUNTRIES
WILL BE SERVED IF THE COST OF RESEARCH BECOMES A MAJOR FACTOR

IN DETERMINING WHERE RESEARCH WILL BE CONDUCTED. FOR OUR PART, WE BELIEVE THAT TRANSFER OF MARINE SCIENCE TECHNOLOGY CAN BEST BE ACCOMPLISHED THROUGH A MULTILATERAL EFFORT, NOT THROUGH AD HOC BARGAINING FOR CONSENT TO DO RESEARCH.

20. IN A STATEMENT BEFORE SUB-COMMITTEE III OF THE SEABEDS COMMITTEE IN 1972, WE STATED OUR WILLINGNESS IN PRINCIPLE QUOTE TO COMMIT FUNDS TO SUPPORT MULTILATERAL EFFORTS IN ALL APPROPRIATE INTERNATIONAL AGENCIES WITH A VIEW TOWARDS CREATING AND ENLARGING THE ABILITY OF DEVELOPING STATES TO INTERPRET AND USE SCIENTIFIC DATA FOR THEIR ECONOMIC BENEFIT AND OTHER PURPOSES; TO AUGMENT THEIR EXPERTISE IN THE FIELD OF MARINE SCIENCE RESEARCH; AND TO HAVE AVAILABLE SCIENTIFIC RESEARCH EQUIPMENT INCLUDING THE CAPABILITY TO MAINTAIN AND USE IT. UNQUOTE IN THAT STATEMENT, WE EMPHASIZED THAT THESE FUNDS WOULD BE IN ADDITION TO FINANCIAL EFFORTS BY THE INTERNATIONAL SEABED AUTHORITY. WE RE-EMPHASIZE OUR WILLINGNESS TODAY TO PARTICIPATE IN SUCH PROGRAMS.

CONCLUSION

21. MR. CHAIRMAN, I HAVE TRIED TO SET FORTH BRIEFLY THE VIEWS OF MY DELEGATION CONCERNING MARINE SCIENTIFIC RESEARCH. AS I SAID AT THE OUTSET, WE BELIEVE THAT THERE IS AN EMERGING CONSENSUS THAT SCIENTIFIC INQUIRY SHOULD BE ENCOURAGED. WE REMAIN CONVINCED THAT THE BEST WAY TO ACCOMPLISH THIS IS TO ENSURE THAT THE INDIVIDUAL SCIENTIST IS AS UNFETTERED AS POSSIBLE, AND THAT THE MOST LOGICAL MEANS FOR MEETING THE LEGITIMATE INTERESTS OF COASTAL STATES IS THROUGH A SERIES OF INTERNATIONALLY AGREED OBLIGATIONS ON THE RESEARCHER. WE LOOK FORWARD TO WORKING WITH OTHERS AT THIS CONFERENCE IN ACHIEVING THESE GOALS.
STEVENSON UNQUOTE KISSINGER

NOTE BY OC/T: POUCHED SUVA, BAGHDAD, ATHENS, ANKARA AND NICOSIA.
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